

Exhibit X

1 UNITED STATES DISTRICT COURT
2 CENTRAL DISTRICT OF CALIFORNIA - WESTERN DIVISION
3

4 UM CORPORATION, a Japanese
Corporation,

5 Plaintiff,

6 -against-

Case No.

2:15-CV-03764-AB-AJW

7
8 TSUBURAYA PRODUCTIONS CO. LTD.,
A Japanese corporation,

9 Defendant.

10
11 TSUBURAYA PRODUCTIONS CO. LTD.,
12 A Japanese corporation,

13 Counterclaimant,

14 -against-

15
16 UM CORPORATION, a Japanese
Corporation; ULTRAMAN USA, INC.
A California Corporation;
17 SOMPOTE SAENGDUENCHAI, a Thai
Individual; GOLDEN MEDIA GROUP
18 INC., a California Corporation;
TIGA ENTERTAINMENT COMPANY, LTD.
19 A Hong Kong corporation; and
DOES 1-10,

20 Counterdefendants.

21
22 VIDEOTAPED DEPOSITION OF KATHLEEN NICOLAIDES
Phoenix, Arizona
May 17, 2017
23

Job No.: 124258

24 Reported by:

Judi Johnson, RMR, RPR, CRR, CLR

25 Arizona License #: 50853

3030 North Central Avenue
Phoenix, Arizona

May 17, 2017
10:53 A.M.

Deposition of KATHLEEN NICOLAIDES, held at
the offices of AFFILIATED FORENSIC LABORATORY, 3030
North Central Avenue, Phoenix, Arizona, pursuant to
Notice, before Judi Johnson, a Registered Merit
Reporter, a Registered Professional Reporter, a
Certified Realtime Reporter and a Certified LiveNote
Reporter.

1 APPEARANCES:

3 PILLSBURY WINTHROP SHAW PITTMAN

4 Attorneys for the Plaintiff and

5 Counterdefendant

6 UM CORPORATION, GOLDEN MEDIA GROUP, INC.

7 TIGA ENTERTAINMENT COMPANY LTD.

8 725 South Figueroa Street

9 Los Angeles, California 90017

10 BY: JEFFREY WEXLER, ESQ.

12 QUINN EMANUEL URQUHART & SULLIVAN

13 Attorneys for the Defendant and Counterclaimant

14 TSUBURAYA PRODUCTIONS CO. LTD.

15 865 South Figueroa Street

16 Los Angeles, California 90017

17 BY: DANIEL POSNER, ESQ.

22 ALSO PRESENT:

23 BILL WATTERS - LEGAL VIDEO SPECIALIST

1 BY THE REPORTER:

2 Q Please state your name and address for the
3 record.

4 A Kathleen Nicolaides, 3030 North Central
5 Avenue, Suite 509, Phoenix, Arizona

6 THE VIDEOGRAPHER: This the start of tape
7 labeled Number 1 of the videotaped deposition of
8 Kathleen Nicolaides in the matter UM Corporation, et
9 al. versus Tsuburaya Productions Company, LTD, in
10 the United States District Court, Central District
11 of California, Western Division, Case
12 No. 215-CV-03764-AB-AJW.

13 This deposition is being held at 3030 North
14 Central Avenue, Suite 507, Phoenix, Arizona, on
15 May 17th, 2017, at approximately 10:52 a.m.

16 My name is Bill Watters. I am the legal
17 video specialist from TSG Reporting, Inc.,
18 headquartered at 747 Third Avenue, New York, New
19 York. The court reporter is Judi Johnson in
20 association with TSG Reporting.

21 Will counsels please introduce yourselves.

22 MR. WEXLER: Jeffrey D. Wexler of Pillsbury
23 Winthrop Shaw Pittman on behalf of the plaintiff and
24 counterdefendant, UM Corporation, and
25 counterdefendants, Golden Media Group and TIGA

1 A Yes, it looks to be.

2 Q Okay. Do you have any recollection whether
3 you blew this document up to create Q01?

4 A I don't have any recollection. It's
5 possible that I made it fit to page. I don't know.

6 Q Okay. Let's look at Attachment B to your
7 report.

8 A Or it could be that this was reduced --

9 Q Okay.

10 A -- when it was printed out. I don't know.

11 Q And it could be both?

12 A Right. Right. I was provided with a jpeg
13 file, so ...

14 I'm sorry. Where are we going?

15 Q Attachment B to your report.

16 A Okay.

17 Q Best evidence listing sorted by date.

18 MR. POSNER: What page is that?

19 MR. WEXLER: It is Attachment B. It's
20 before Q01.

21 A Yeah, it's right after A. Okay.

22 Q And what is the purpose of this?

23 A Okay. So this, as I said, there was a lot
24 of duplication. I was -- I had multiple copies or
25 versions of documents so I was trying to get one set

1 of the evidence. And so that is what this
2 represents and this -- oh, thank you. And also I --
3 when I did have multiple copies or multiple versions
4 I would look at them and then decide which one was
5 the best copy.

6 Q And the best copy is indicated in the far
7 left column?

8 A Yes. The AFL document number. And you'll
9 see that there's numerous other numbers that appear
10 in copy or version of. So, for instance, you can
11 see that on KAN54, I actually had four other
12 versions or copies of that same document.

13 Q And Q01, you decided that your Q01 image
14 was a better image than the Wakshull, TP00029497; is
15 that correct?

16 A Right. Because that was included as an
17 attachment to his report.

18 Q So it was a better image than what he had
19 as an exhibit to his report?

20 A Right.

21 Q Did you ask for that -- the document that
22 he made an exhibit to his report, the TP00029497
23 document?

24 A Well, I asked for a copy of Q1, a better
25 copy and that's what I was provided, was a jpeg.

1 Q Okay. So on your list, if you have a
2 K-prefixed or a KL-prefixed document, either in the
3 left-hand column or the far right-hand column, that
4 means that a copy of at least a portion of that
5 document was included in Mr. Wakshull's report; is
6 that correct?

7 A Yes. And KS as well. He always used --
8 let me see if I have any KSs listed here.

9 Yes. At the end I do have KSs as well.

10 Q Right. Thanks for that clarification.

11 And if we look at the first page, there's
12 no documents that were not included in some form in
13 Mr. Wakshull's report; am I reading that correctly?

14 A Oh, you mean because of there's nothing in
15 the Wakshull exhibit number?

16 Q Yeah. There's either a K or a KL in either
17 the far left column or the far right column on all
18 of those.

19 A Yes.

20 Q But if we go to Page 2, we see that there
21 are six documents with KAN prefix numbers as to
22 which Mr. Wakshull didn't have a copy or a version
23 in his report?

24 A Well, no. Because K35, 36, 37, and 38 --
25 see, if he listed it in his report it's going to

1 have a K number.

2 Q Right.

3 A If he showed it as an exhibit it's going to
4 have an exhibit number.

5 Q Well, KAN62 is one that was not in
6 Mr. Wakshull's report.

7 A Correct.

8 Q Is that right?

9 A Correct.

10 Q Could you turn to KAN62 in your report.

11 A (Witness complies.)

12 Okay.

13 Q How did you end up with that one, if it
14 wasn't included in Mr. Wakshull's report?

15 A I was provided with agreements from around
16 that time period.

17 Q Well, this one's 1980.

18 A Right.

19 Q And who signed it?

20 A Akira Tsuburaya and somebody Lao.

21 Q Yeah, don't worry about the guy. I'll
22 represent to you that the signature on the 1976
23 agreement is signed by a Noboru Tsuburaya.

24 (Reporter clarification.)

25 Q Noboru, N-O-B-O-R-U, Tsuburaya.

1 MR. POSNER: That's your allegation.

2 MR. WEXLER: Well, yeah, the name purports
3 to be Noboru Tsuburaya. Does -- that's true.

4 BY MR. WEXLER

5 Q But do you have any understanding why you
6 would be provided with a signature from Akira
7 Tsuburaya?

8 A I wasn't provided documents with
9 signatures. I wasn't doing any signature
10 examination.

11 Q Okay. And you think you were given this
12 just because it was an agreement from a similar
13 period?

14 A Yes. It was to look at the typeface.

15 Q And did you look at this typeface?

16 A Yes.

17 Q Did you make any determinations as to this
18 typeface?

19 A I determined that it contained differences
20 from the typeface appearing on Q1.

21 Q Let's go back to Attachment B. And there's
22 KAN67 through KAN71. Those are more documents that
23 were not included in Mr. Wakshull's initial expert
24 report; is that right?

25 A It appears that way, yes.

1 Q Okay. Do you have any understanding
2 whether those were exhibits to Mr. Cunningham's
3 expert report?

4 A I have no idea.

5 Q Do you know whether those documents were
6 attached to Mr. Wakshull's rebuttal expert report?

7 A I do not know off the top of my head. I
8 would have to look at his report.

9 Q What was your reason for attaching KAN54
10 through KAN76 to your expert rebuttal report?

11 A I'm sorry. Where are we now?

12 Q My question was: What was your reason for
13 attaching KAN54 through KAN76 to your expert
14 rebuttal report? We're not anywhere in the document
15 other than the fact that most of the document is
16 comprised of copies of KAN54 through KAN76.

17 A Oh. I was just providing what I considered
18 best evidence, a copy of what that was.

19 Q Okay. So it's your role --

20 A I was just being thorough.

21 Q Your role was, between Mr. Wakshull's
22 report and your report, the best copies of all of
23 the documents would be in there?

24 A Yes.

25 Q Did you make any use of KAN54 through KAN76

C E R T I F I C A T E

I, JUDI JOHNSON, RMR, RPR, CRR, CLR, do hereby
certify:

THAT the witness whose testimony is
hereinbefore set forth, was duly sworn by me; and

THAT the within transcript is a true record
of the testimony given by said witness. I further
certify that I am not related, either by blood or
marriage, to any of the parties to this action; and

THAT I am in no way interested in the outcome
of this matter.

IN WITNESS WHEREOF, I have hereunto set
my hand this 30th day of May, 2017.

JUDI JOHNSON, RMR, RPR, CRR, CLR

DEPOSITION ERRATA SHEET

Job ID: 124258

Case Caption: UMC V. TSUBURAYA

DECLARATION UNDER PENALTY OF PERJURY

I declare under penalty of perjury that I have read the entire transcript of my Deposition taken in the above-captioned matter or the same has been read to me and the same is true and accurate, save and except for changes and/or corrections, if any, as indicated by me on the DEPOSITION ERRATA SHEET hereof, with the understanding that I offer these changes as if still under oath. Signed on _____, 2017.

KATHLEEN NICOLAIDES

DEPOSITION ERRATA SHEET

Page:_____ Line:_____ Change to:_____

Reason for change:_____

Page:_____ Line:_____ Change to:_____

Reason for change:_____

Page:_____ Line:_____ Change to:_____

Reason for change:_____

Page:_____ Line:_____ Change to:_____

Reason for change:_____

Page:_____ Line:_____ Change to:_____

Reason for change:_____

Page:_____ Line:_____ Change to:_____

Reason for change:_____

Page:_____ Line:_____ Change to:_____

Reason for change:_____

Page:_____ Line:_____ Change to:_____

Reason for change:_____